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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,372	09/18/2006	Darryl Rideout	1034559-000013	7970

41790 7590 11/24/2009  
BUCHANAN, INGERSOLL & ROONEY LLP  
P.O. BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER
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CRUZ, KATHRIEN ANN

ART UNIT	PAPER NUMBER
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1628

NOTIFICATION DATE	DELIVERY MODE
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11/24/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10550372	9/18/2006	RIDEOUT ET AL.	1034559-000013

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**EXAMINER**

KATHRIEN CRUZ

ART UNIT	PAPER
1628	20091109

DATE MAILED:

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**Commissioner for Patents**

The timely submission under 37 CFR 1.129(a) filed on September 22, 2009 is not fully responsive to the prior Office action because the applicants failed to select expressly one particular species of formula (applicant is further required to provide a structure and chemical name) along with the elected group. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

/San-ming Hui/  
Primary Examiner, Art Unit 1628